

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

WESTFIELD INSURANCE COMPANY,

Plaintiff,

v.

CIVIL ACTION NO. 2:07-00265

DAN CECIL and KIM CECIL,

Defendants.

MEMORANDUM OPINION AND ORDER

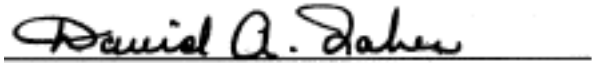
This matter is before the court on plaintiff's complaint for declaratory judgment. (Doc. No. 1.) On July 26, 2007, the court granted plaintiff's motion to appoint a guardian ad litem for defendant Dan Cecil, due to Cecil's incarceration. (Doc. No. 15 (citing W. Va. Code § 28-5-36; Craig v. Marshall, 331 S.E.2d 510, 514 (W. Va. 1985)).) No answer or appearance has been made on behalf of Mr. Cecil to this date, and plaintiff seeks a default judgment against him. (See Doc. No. 31 at 2.)

The court hereby **NOTIFIES** Mr. Cecil by and through his guardian ad litem, Todd S. Bailess, of plaintiff's application for default judgment. See Jackson Gen. Hosp. v. Davis, 464 S.E.2d 593, syl. pt. 4 (W. Va. 1995) (where guardian ad litem has not appeared, court may order that he be served with written notice of application for default judgment). Any response to the application for default judgment shall be filed no later than August 21, 2008.

The Clerk is directed to send copies of this Memorandum Opinion and Order to all counsel of record, and to serve a copy of the same on guardian ad litem Todd S. Bailess at 100 Capitol Street, Suite 203, Charleston, West Virginia, 25301.

It is **SO ORDERED** this 22nd day of July, 2008.

ENTER:

A handwritten signature in dark ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
United States District Judge